IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2851 OF 2007

Rohtash Rathi. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

Ramesh Dube - Patil i/b. Jay & Co.
for the applicant.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 24th September 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973 seeking anticipatory bail. The applicant is apprehending his arrest in CR.No.7/2007 registered with C.B.D. Police Station, Belapur, New Mumbai for the offence alleged to have been committed under section 379 of Indian Penal Code regarding purchase of a stolen vehicle from one Sunil

Kumar.

3. The learned counsel for the applicant submits that the applicant is a permanent resident of Rohatak, State of Hariyana having his immovable properties. He further submits that one of his brothers is working in Army and another brother is in service at Delhi. He also submits that there are no criminal antecedents against him. According to him, this is an isolated act; wherein the applicant under bonafide impression has purchased vehicle without knowledge that the vehicle is allegedly stolen by one Sunil Kumar. In his submission, transaction entered into by him is bonafide for the valuable consideration without notice of defective title.

4. The learned A.P.P. submits that for further investigation presence of the present applicant is necessary.

5. While reacting to the aforesaid submission, learned counsel for the applicant submits that the applicant shall stay in Mumbai for a period of two weeks and attend the concerned police station every day, so as to enable the investigating officer to complete his investigation. He also undertakes to co-operate with the investigating agency by attending the concerned police station as and when called even

after expiry of two weeks subject to reasonable advance notice. All these statements made on behalf of the applicant are accepted and taken on record.

6. In the above view of the matter, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) In the event of arrest of the applicant in connection with CR.No.7/2007 registered with C.B.D. Police Station, Belapur, New Mumbai, he shall be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall stay in Mumbai/ New Mumbai for a period of two weeks and report the concerned police station every day. He shall, thereafter, attend the police station as when called with due advance notice and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat, or

pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

7. Application stands disposed of accordingly.

JUDGE